

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

LAQUAVIOUS SENTREL ROGERS

PLAINTIFF

v.

No. 1:20CV156-RP

**HEAD NURSE JUDY SMITH
MEDICAL
LEE COUNTY**

DEFENDANTS

MEMORANDUM OPINION

This matter comes before the court on the *pro se* prisoner complaint of LaQuavious Sentrel Rogers, who challenges the conditions of his confinement under 42 U.S.C. § 1983. The court conducted a hearing under *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), to determine which of the plaintiff's claims may be proper in a § 1983 case. For the purposes of the Prison Litigation Reform Act, the court notes that the plaintiff was incarcerated when he filed this suit. Section 1983 provides a federal cause of action against "[e]very person" who under color of state authority causes the "deprivation of any rights, privileges, or immunities secured by the Constitution and laws." 42 U.S.C. § 1983. The plaintiff alleges that the defendants: (1) denied him medical care for his psychological conditions and injured jaw; and (2) placed him in unconstitutionally harsh general conditions of confinement. For the reasons set forth below, defendant "Medical" will be dismissed as an improper defendant, but the claims will proceed against defendants Head Nurse Judy Smith and Lee County, Mississippi.

Factual Allegations

LaQuavious Sentrel Rogers was held in pretrial detention at the Lee County Jail on charges of burglary and statutory rape from February 5, 2019, until his release from jail and transfer into

Mississippi Department of Corrections custody to serve his sentence on those charges.¹ During his stay at the jail, Nurse Judy Smith failed to provide him with his prescribed mood stabilizer drug (Strattera), which keeps him from “going off or just snapping” and makes him calm and able to sleep. Nurse Smith and others told Rogers that the jail would not dispense that type of drug. In the absence of Strattera, on May 4, 2019, Rogers became agitated and out of control – and got into a heated argument with another inmate. That inmate assaulted Rogers, dislocating or fracturing his jaw. It was never x-rayed, but a medical officer said it looked broken to him.² Mr. Rogers still has a difficult time chewing and talking with his injured jaw. No one treated his jaw during his stay at the Lee County Jail.

Mr. Rogers’ antics during his unmedicated state also led to his placement in solitary confinement in “the hole,” a cell with darkened windows. The windows were painted black, and officers removed the lights from the room, which was pitch black when the door was closed. Rogers could not even see his hand in front of his face; he could see nothing until prison staff opened the door. He stayed in “the hole” from June 5, 2019, until June 25, 2019. He was then placed in a cell with an inmate he did not know. He was fed “watered down food” with less than 2,000 calories per day from February 5, 2019, until the date he filed his complaint (July 23, 2020). He lost 60 pounds (from 220 pounds down to 160 pounds) while at the jail.

¹ Mr. Rogers testified that he was housed in the Lee County Detention Center for “eight months.” However, he was arrested on February 5, 2019, and the MDOC website lists his entry date as September 24, 2020 (a little less than 20 months). Thus, it is unclear how long Mr. Rogers stayed at the Lee County Detention Center.

² Doctors with the Mississippi Department of Corrections later found the jaw to be dislocated, and “popped” it back into place. They also provided Tylenol and an ice pack.

Mr. Rogers states that his mouth still hurts, his head hurts when he tries to think about things he does not know, and he sometimes has difficulty with written or spoken language.³ He weighs 168 pounds now.

“Medical” Is Not a Proper Defendant

In this case, Mr. Rogers lists “Medical” as a defendant. “Medical” is not an identifiable party subject to suit; as such, this defendant must be dismissed with prejudice from this case.

Conclusion

For the reasons set forth above, defendant “Medical” will be dismissed with prejudice from this case. The plaintiff’s claims regarding denial of medical care and harsh general conditions of confinement will, however, proceed.

SO ORDERED, this, the 2nd day of November, 2020.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE

³ He testified at the *Spears* hearing that his language difficulties have been present his whole life.